

Serial No. 09/876,459
Page 6 of 8

Remarks

Please enter the present amendment in the cited application. Entry of this amendment is proper because it places the case in condition for allowance or in better form for consideration on appeal. After entry of this amendment claims 1, 4-5 and 8-13 are at issue. Previously pending claims 2, 3 and 7 as well as withdrawn claims 14-21 are cancelled.

The Amended Claims

Claim 1 recites a chemical mixing system for preparing a slurry (having a desired insoluble solid particles content) from at least two chemical components. The chemical mixing system includes a mixing vessel, a control system, a valve to regulate the amount of at least one chemical component, a recirculation loop and the desired slurry. As now amended, claim 1 recites specific features of the control system that were originally recited in claims 2 and 3 as well as the recirculation loop originally recited in claim 7. The amendment to claim 1, which combines originally pending claims 2, 3 and 7 does not add new matter. In addition, claims 9-11 have been amended to depend from claim 1. These amendments also not add new matter.

The 112 Rejection in the Final Office Action

In the outstanding office action, (paper No. 8), claim 11 was rejected under 35 U.S.C. 112 because neither claim 2 nor 11 provided antecedent basis for the phrase "the circulation loop." Claim 11 now depends from claim 1 which is currently amended to recite that the claimed mixing system comprises a recirculation loop.

For the reason stated above, the 35 U.S.C. 112 rejection has been overcome, and the rejection is respectfully requested to be withdrawn.

The 103 Rejections in the Final Office Action

Claims 1-5, 8, 10 and 12-13 were rejected under 35 U.S.C. 103(a) as unpatentable over Chan et al. 5,647,391 in view of Lascombes 5,318,750.

Serial No. 09/876,459
Page 7 of 8

Further, Claims 7, 9 and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Chan in view of Lascombes as applied to respective claims 1 or 2 above and further in view of Leverenz 3,710,811.

Applicant submits that the listed combination of references do not make the presently claimed invention unpatentable. None of the references alone or in combination teach or suggest a chemical mixing system which includes an insoluble solids slurry. Specifically, neither Chan nor Lascombes nor their combination teach or suggest Applicant's invention as presently claimed because these references do not teach or suggest a slurry having insoluble solids. At most, all of the cited references report mixing various chemicals to form solutions. Accordingly, amended claim 1 and all claims depending from claim 1 are allowable.

In addition, neither Chan nor Lascombes, alone or combined, teach or suggest a control system for preparing a slurry where the control system has a first conductivity sensor to detect when a defined amount of the chemical components is added to the mix volume and a conductivity probe to detect when a combined amount of the chemical components has a desired insoluble solids content. Specifically, Chan reports a sensing arrangement that detects the addition of reactants each time they are added to the solution and a controller that dispenses predetermined amounts of reactant each time the reactant is added. (Chan at col. 5, lines 15-24). This report does not teach or suggest a control system to provide a slurry having a desired insoluble solids content.

Similarly, Lascombes reports a first measurement means to determine a concentration of an aqueous solution before various solutions are mixed. A second measurement in Lascombes is located downstream of a dialysis circuit that provides a measurement after the mixture has been used in a dialysis procedure. No measurement of the concentration of the mixture of the various aqueous solutions is taken. (Lascombes at col. 3, lines 18-22 and col. 3, lines 46-50). Again, this report does not teach or suggest a control system to provide a slurry having a desired insoluble solids content.

Further, Applicant notes that Leverenz also only reports establishing and maintaining the pre-selected salinity of a solution using a pair of conductivity probes used to measure the conductivity of a mixed solution, not a slurry (Leverenz at col. 3, lines 58-60).

Serial No. 09/876,459
Page 8 of 8

Applicant submits that the present claims are patentable over the cited references because these references do not teach or suggest a mixing system to prepare a slurry.

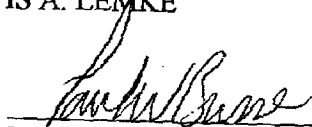
Applicant requests that the rejections under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing, Applicant submits that all of the rejections of the claims have been overcome and respectfully requests a notice of allowance.

Respectfully Submitted,

TRAVIS A. LEMKE

By:


Paul W. Busse, Reg. No. 32,403
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-8216

Dated: August 18, 2003

M2:20548849.03

OFFICIAL

FAX RECEIVED

AUG 19 2003

TC 1700